



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

CUTHBERT FENWICK—PIONEER CATHOLIC AND LEGISLATOR OF MARYLAND¹

Before the *Ark* and the *Dove*, bearing their cargoes of men and equipment for a settlement in the New World, reached their destination, Lord Baltimore wrote to his friend, Lord Wentworth, that besides his brothers, Leonard and George Calvert, "very near twenty other gentlemen of very good fashion" had accompanied the enterprise.² These twenty or so gentlemen were persons whose wealth enabled them, in addition to defraying the expenses of their transportation, to contribute towards the

¹ The following bibliography shows the list of materials upon which this sketch of Cuthbert Fenwick is built: SOURCES: (A) MSS. Wills, deeds and other court documents at Leonardtown and La Plata, Maryland; records of the Land Office, Annapolis, Maryland. (B) PRINTED: *Archives of Maryland*, thirty-five volumes; *Publications of the Catholic Record Society* (England), twenty volumes; *Letters and Dispatches of Thomas Wentworth Strafford* (edited by Radcliffe), two volumes London, 1739; SAINT-GEORGE (Richard), *Pedigrees Recorded at the Herald's Visitations of the County of Northumberland* (edited by Joseph Foster), Newcastle-upon-Tyne, 1891; WHITE (Andrew, S.J.), *Relatio Itineris in Marylandiam*, Maryland Historical Society Fund Publication, No. 7, Baltimore, 1874. The following may also be considered as belonging to the same class of material: *The Calvert Papers*, Maryland Historical Society Fund Publication, Nos. 28, 34, 35, Baltimore, 1889-99; BALDWIN (Jane, later Jane Baldwin Cotton), *The Maryland Calendar of Wills*, from 1635 to 1726, Baltimore, 1901-1917; BACON (Thomas), *Laws of Maryland at Large*, Annapolis, 1765; HAYDEN (Horace E.), *Virginia Genealogies*, Wilkes-Barre, 1891; KILTY (John), *The Land-Holder's Assistant and Land-Office Guide*, Baltimore, 1808. WORKS: ALSOP (George), *A Character of the Province of Maryland*, Maryland Historical Society Fund Publication, No. 15, Baltimore, 1880; BANCROFT (George), *History of the United States of America*, New York, 1895; BOZMAN (John L.), *A Sketch of the History of Maryland*, Baltimore, 1811, and *The History of Maryland*, two volumes, Baltimore, 1837; BROWN (B. F.) *Maryland not a Roman Catholic Colony*, Baltimore, 1876; BROWNE (William H.), *George and Cecilius Calvert, Barons of Baltimore* (Makers of America Series), New York, 1890, and *Maryland, the History of a Palatinate* (American Commonwealths Series), Boston, 1888; CHALMERS (George), *Political Annals of the Present United Colonies from their Settlement to the Peace of 1763*, two volumes, London, 1780; COBB (Sanford H.), *The Rise of Religious Liberty in America*, New York, 1902; DAVIS (George L.), *The Day-Star of American Freedom*, New York, 1855; GAMBRALL (Theodore C.), *Studies in the Civil, Social and Ecclesiastical History of Early Maryland*, New York, 1893, and *Church Life in Colonial Maryland*, Baltimore, 1885; HANSON (George A.), *Old Kent of Maryland*, Baltimore, 1876; HAWKS (Francis L.), *A Narrative of Events Connected with the Rise and Progress of the Protestant Episcopal Church in Maryland*, New York, 1839; HODGSON (John), *A History of Northumberland*, two parts in 3 vols., Newcastle-upon-Tyne, 1827-1858; HUGHES (Thomas, S. J.), *The History of the Society of Jesus in North America*, 2 vols. of text, and two parts of Documents, Longmans,

establishment of the proposed colony of Maryland. Others, too, it would seem, of some means but of less rank, were among the passengers on the two staunch little vessels.

The greater number of Maryland's earliest settlers, however, were men of small, if any, worldly possessions. Many of them were unable to meet even the cost of the long voyage across the Atlantic. In the hope of finding a home in the unbroken forests of America where they could worship God freely in accordance with the dictates of their consciences, or of bettering their temporal conditions—perhaps of both—this class of colonists voluntarily bound themselves to the more fortunate settlers whom they were thus obliged, by contract, to serve for a stipulated period in pay-

Green and Co., 1907-1917; INGLE (Edward), *Captain Richard Ingle, the Maryland "Pirate and Rebel,"* Baltimore, 1884; JOHNSON (Bradley T.), *The Foundation of Maryland and the Origin of the Act Concerning Religion*, Maryland Historical Society Fund Publication, No. 18, Baltimore, 1883; McMAHON (John V. L.), *An Historical View of the Government of Maryland*, Baltimore, 1831; MCSHERRY (James), *History of Maryland*, Baltimore, 1848; NEILL (Edward D.), *Terra Mariae*, Philadelphia, 1867, *The Founders of Maryland*, Albany, 1876, and *Thomas Cornwallis and the Early Maryland Colonists*, Boston, 1879; OLDMIXON (John), *The British Empire in America*, 2 vols., London, 1741; RICHARDSON (Hester Dorsey), *Sidelights on Maryland History*, 2 vols., Baltimore, 1913; RIDGELEY (Helen W.), *Historic Graves of Maryland and the District of Columbia*, Grafton Press, 1908; RILEY (Elihu S.), *A History of the General Assembly of Maryland*, Baltimore, 1905; RUSSELL (William T.), *Maryland the Land of Sanctuary*, Baltimore, 1907; SCHARF (Thomas), *History of Maryland*, 3 vols., Baltimore, 1879; SILVER (John Archer), *The Provincial Government of Maryland*, J. H. U. Press, Baltimore, 1895; SMITH (C. Ernest), *Religion under the Barons of Baltimore*, Baltimore, 1879; SPARKS (F. E.), *Causes of the Maryland Revolution of 1689*, J. H. U. Press, Baltimore, 1896; STEINER (Bernard C.), *Beginnings of Maryland*, J. H. U. Press, Baltimore, 1903, *Maryland During the English Civil Wars*, J. H. U. Press, Baltimore, 1903, and *Life of Rev. Thomas Bray*, Maryland Historical Society Fund Publication, No. 37, Baltimore, 1901; STOCKBRIDGE (Henry), *The Maryland Archives as Illustrating the Spirit of the Times of the Early Settlers*, Baltimore, 1886; STREETER (Sebastian F.), *Maryland Two Hundred Years Ago*, Baltimore, 1852, and *Papers Relating to the Early History of Maryland*, Maryland Historical Society Fund Publication, No. 9, Baltimore, 1876; THOMAS (James W.), *Chronicles of Maryland*, Cumberland, 1913; TREACY (William P.), *Old Catholic Maryland and Its Early Jesuit Missionaries*, 1889; WILHELM (Lewis W.), *Sir George Calvert, Baron of Baltimore*, Maryland Historical Society Fund Publication, No. 20, Baltimore, 1884; WILSON (James G.), *A Maryland Manor*, Maryland Historical Society Fund Publication, No. 30, Baltimore, 1890; *Ancestral Records and Portraits*, Grafton Press, 1910; *Maryland Historical Magazine*, *passim*, *American Historical Magazine*, Vol. iv. It must be noted, however, that some of these authors, especially Gambrell and Neill, have suffered themselves to be unduly governed by bias.

² *Letters and Dispatches of Thomas Wentworth Strafford* (edited by Radcliffe), Vol. i, pp. 178-179.

ment for their transportation to Lord Baltimore's palatinate. Later, such immigrants pledged their services to merchants or masters of ships, who not infrequently let or sold the labor thus due to them to the wealthier planters.

Those who came to the province in this humble capacity were known as "redemptioners" or indentured servants. Those who emigrated at their own expense were called freemen. The term of servitude for the former ran, as a rule, from two to five years, according to age, value of services and other circumstances. When the time of their contracts expired, they also became freemen, immediately enjoying equal civic rights and privileges with the independent colonists, and were entitled to a certain portion of land for themselves, their wives and their children.

Prior to the "Protestant Revolution" of 1689, at least, a large proportion of the colony's population, attracted perhaps no less by the tolerance of the first two lords proprietary than by the large prospects offered by their generous government, came to Maryland under such conditions. To come in this status was then considered no disgrace. In fact, many who arrived indentured for their passage money soon rose to prominence after obtaining their freedom, and married into the best colonial families. Some, indeed, of the most honored names in Maryland's history were either redemptioners or the descendants of redemptioners. Among this class, in the early days of the province, were Catholics of equally as high birth and breeding as the some twenty or so "gentlemen of very good fashion" of whom Lord Cecilus Calvert wrote his friend. Doubtless the reduced circumstances of these were largely due to the fines and confiscations to which those of their faith were subjected by the odious laws that then existed in the mother-country, and that brought many of the wealthiest and noblest of the fine old English Catholic families to abject poverty.

Such an adventurer was the subject of this sketch, Cuthbert Fenwick. Fenwick was a scion of one of England's oldest and staunchest Catholic families. No doubt it was the training that he received at home that made him one of the most striking figures in early Maryland and one of the most influential builders of the colony, during the first two decades of its history, as well as "the fairest exponent of that system of religious liberty which had con-

stituted the very corner-stone of the first settlement under the charter" procured by Cecilius Calvert, the lord proprietary.³

Long-standing traditions, when traced to their sources, are generally discovered to have had their origin in historic truth. So it has proved in the present instance. Tradition had long connected the Fenwicks of Maryland, through their first American forebear, Cuthbert Fenwick, with the Fenwicks of Fenwick Tower, Northumberland County, England. But the actual mention of the name "Cuthberte" in its proper place in the family annals in Great Britain, together with the incessant recurrence of the same Christian names in the colony, seems positively and definitely to establish the identity of the "Lord of Fenwick Manor," Maryland, and to place beyond dispute his connection with the historic family of the same patronymic in the north of England.⁴ Thus, though he came to America as a redemptioner, Cuthbert Fenwick could possibly boast of the oldest, if not the noblest, lineage among the early settlers of the Baltimore palatinate.

The Fenwicks of Northumberland, England, can be traced back to the twelfth century. The principal house of the family was that of Fenwick Tower, not far from Newcastle-upon-Tyne. In course of time, however, numerous cadet branches came into existence, spreading the influence of the line widely through the north.⁵ Their loyalty to the Catholic faith is said to have been

³ DAVIS, *The Day-Star of American Freedom*, p. 207.

⁴ SAINT-GEORGE, *Pedigrees Recorded at the Herald's Visitations of the County of Northumberland*, p. 50; HODGSON, *A History of Northumberland*, Vol. ii of Part ii, p. 75.

⁵ SAINT-GEORGE, *op. cit.*, pp. 50-55, and HODGSON, *op. cit.*, pp. 75-76 and 112-114, show that the early Maryland colonist belonged to the cadet houses of Longshaws or Langshaws and Nunriding. William B. Goodwin of Columbus, Ohio, who has for many years been making a thorough study, from authentic sources, of the Fenwicks, both in England and America, has given us the following pedigree of the Cuthbert Fenwick who came to Maryland with its first settlers: (1) Robert de Fenwick, about 1190, Ville de Fenwick. (2) Robert de Fenwick, son and heir, about 1230, Ville de Fenwick. (3) Thomas de Fenwick, third son of — Fenwick, possessor of the Manor of Capheaton, afterwards sold to the Swinburns; also later Prior of Hexham Abbey. (4) Sir Thomas de Fenwick, Knight of the Manor of Fenwick. (5) Alan de Fenwick, of Fenwick, third son. (6) Sir John de Fenwick, Knight of Fenwick. (7) Sir John de Fenwick, second son, knighted in the French War by King Henry V and given the motto "*Perit ut vivat*" and the Manor of Trouble Ville, in Normandy. In this generation Fenwick Tower descended to Sir John's

long the most steadfast. The records of England's dark penal days, imperfect and incomplete though they are, bear mute but eloquent testimony to the fidelity of many of them to their religion, as well as of the fines imposed upon them for having the courage to be recusants in the face of laws most intolerant. It is not improbable, indeed, that the family of Cuthbert had been thus reduced to straits that obliged him to come to America as a redemptioner.

But if he were a passenger on the *Ark* or the *Dove*, which, as will be seen, is more than likely, another explanation might be advanced for his emigrating in so humble a capacity. The young man's conscience might have forbidden him to take the prescribed test oath; and to avoid so odious a thing he elected to enlist in Lord Baltimore's enterprise among the adventurers indentured to others, whose oaths seem to have sufficed for those under their care. Yet he appears to have arrived in the colony a poor man.

In any case, the noble youth had not less to expect in the New World than in the Old. At home, one of his faith could look for little or nothing except trouble and persecution. In the broad domains of America, and under the kindly and tolerant rule of a man like Cecilius Calvert, he might hope to plant his name and posterity forever. It may be, too, that he had in him some of the spirit of adventure which was then rife among those of his class and age in Great Britain. Thus more than one influence, perchance, had its part in bringing to Maryland one of the most charming personages of her early history.

The young cavalier's father was George Fenwick of Longshows, or Langshaws, a cadet branch of the main line of Fenwick Tower. In the family there were nine children, six boys and three girls. Cuthbert, as is shown by Foster's pedigrees of Northumberland, was the fourth son, and was living in 1615. The precise date of

elder brother, Sir Alan de Fenwick. (8) John Fenwick, to whom his father gave Newburne Hall. (9) Sir Roger Fenwick, fourth son, Constable of Newcastle and Esquire of the Body to King Henry VII. (10) Sir Ralph Fenwick, Knight, who married the sole heiress of — Mitford of Stanton. (11) Anthony Fenwick, second son, who received the house of Langshaws from his mother. (12) Stephen Fenwick of Langshaws, son and heir. (13) George Fenwick of Langshaws, living in 1615. (14) Cuthbert Fenwick, fourth son, whose eldest brother, William, son and heir of George mentioned above, was 12 years of age in 1615.

his birth is not known; but his own testimony, given in April, 1654, that he was then forty years of age, "or thereabouts,"⁶ proves that he was born probably in 1613 or 1614, making him twenty or twenty-one years old when he landed on the shores of the New World.

Both the time of his arrival in Maryland and whether he was a passenger on the *Ark* or the *Dove* have been subjects of discussion. The difficulty arises from a petition of Thomas Cornwallis, made in 1652, for grants of land in virtue of having "transported" twenty-two servants into the colony from 1633 to that date. Amongst these servants he mentions Cuthbert Fenwick as one of four whom he "brought and exported" from Virginia in 1634. But against this record we have two others, both belonging to 1639, and in both of which Fenwick is mentioned just as explicitly as one of ten men-servants whom the wealthy landholder brought "into the province in 1633."⁷ These two entries, dating as they do from a period much nearer Fenwick's arrival in the settlement, ought to outweigh the single statement of later years, when lapse of time, pressure of business and the increased number of imported persons all conspired to make the memory less clear and trustworthy. The argument is all the stronger in view of the careless manner in which records of that day were written, and of the almost verbal agreement of the two earlier entries of Cornwallis' claims.

Again, the fact that Cuthbert Fenwick's name appears as one of the witnesses to the will of George Calvert, a brother of the lord proprietary and the governor, July 10, 1634, shows that he must have been among the early settlers long enough to win the

⁶ *Archives of Maryland* (Vol. x), *Judiciary and Testamentary Business*, 1649/50-1657, p. 372.

⁷ Land Records at Annapolis, Liber 1, p. 110; *ibid.*, Liber A. B. H., pp. 94 and 343-44. See also RICHARDSON, *Sidelights on Maryland History*, Vol. i, pp. 12, 14, 15, 417. Mrs. Richardson, it seems to us, by no means substantiates her claim that Cuthbert Fenwick was not a passenger on the *Ark* or the *Dove*. And it should be borne in mind here that the words "transported" and "imported," so often found in the early Maryland records, had not then the ugly meaning which they came to have later. They simply meant the payment of the colonists' fare to the New World. Not unfrequently do we find a man claiming land for the "transportation" of his wife or child, or even of himself. After all, it may very well be that Fenwick was merely in the employment of Cornwallis; and that the commissioner and counselor brought him over to look after his business as his attorney.

confidence of those in charge of the province.⁸ But this would hardly have been possible had he not come in the *Ark* or the *Dove*. Tradition also, of long standing, insists on placing the distinguished pioneer legislator among the original group of adventurers who landed on Saint Clement's Island and offered up the holy sacrifice of the Mass, March 25, 1634, the first day of the new year according to the old Julian Calendar.

The little documentary discrepancy might be explained on the supposition that Fenwick remained for a time in Virginia, where we know the pilgrims tarried for more than a week on their journey, to transact business for his master, Cornwallis, and then continued his way to Maryland. But be this as it may, the young scion of the noble house of Fenwick Tower did not long remain subject to Cornwallis. The treatment that he received from this high-minded gentleman was most kindly and generous. Indeed, because of the esteem in which he was held by his patron, and the exceptional advantages he derived from intimate association with such a man, it was perhaps fortunate for the young cavalier that he fell, at that period of his life and in a new, uncivilized country, under the wholesome influence of a person of Cornwallis' character. Cornwallis was a leader among the colonists and one of the two commissioners appointed by Lord Baltimore to assist Governor Calvert in the affairs of the province. From the start, he seems not merely to have placed implicit confidence in Fenwick's honesty, but to have entrusted matters of much moment to his prudence, judgment and ability. A perusal of the records that still remain tempts us to believe that the commissioner regarded Cuthbert Fenwick as a friend, an adviser and an associate rather than as one in his employment.

They were both possessed of rare parts, splendid characters, tireless energy, and unimpeachable integrity. Both were just such men as were needed to build up a commonwealth in the primeval forests of the New World. Kindred spirits, they appear to have been inseparable, and to have acted together—at least from the time Fenwick obtained his freedom—in all important concerns of the province during most of the first two decades of its existence. Indeed, almost from the beginning we see Fenwick,

⁸ *Maryland Historical Magazine*, Vol. i, pp. 363-64.

although a young man in his twenties, acting as the commissioner's attorney to look after his business and vast estates, not only during his visits to England and absences on matters of colonial or personal interest, but when he was at home. For this reason, although married, having a family of his own, and possessing broad acres in his own right, Cuthbert Fenwick long lived—perhaps until 1651—at Cornwallis' manor, known as The Cross.⁹

In March, 1638, Fenwick sat in the colonial assembly of free-men called to consult for the welfare of the budding state. It was the second meeting of the kind in the province, but the first of which we have any satisfactory account. For Cuthbert Fenwick it marked the beginning of a notable career in what was to become the Lower House of the General Assembly. Taking an active part in the deliberations of this legislative body, whose proceedings are among the most noteworthy in the Maryland colonial records, he becomes at once a man of mark, as well as a conspicuous, historic personage. His rise was rapid, and thenceforth, to the time of his death, he figured prominently in the legislative meetings of Provincial Maryland. On one occasion, during the absence of Cornwallis, whose attorney he was, he sat by special summons of Leonard Calvert in the governor's council to take the place of the commissioner.¹⁰ It would seem, indeed, that he was the only man to receive such a peculiar order in the history of the colony.

A man of sterling worth and inflexible honesty, possessed of a charming character which he appears to have handed down to his posterity, Cuthbert Fenwick won the confidence and goodwill of his fellow-colonists, both bond and free. The record of his voting at the assemblies of which he was a member show that, gentle and considerate though he was, he had a will that refused to be swerved from what he felt to be his duty. On various occasions he is found taking sides against the governor and his council and secretary. Once he cast his vote against a measure that was favored by all his associates.¹¹

⁹ It is remarkable how often the names of Fenwick and Cornwallis are linked together in the records of the day.

¹⁰ *Archives of Maryland* (Vol. i), *Proceedings and Acts of the General Assembly*, 1637/38-1664, pp. 88-89.

¹¹ *Archives of Maryland*, Vols. i, iii, iv and x, *passim*.

Few, if any, of the original colonists were more frequently members of the legislative body than Cuthbert Fenwick. His political life, however, may be said to have reached its climax in the assemblies of 1849 and 1850. In the former, which is specially noted for passing the historic act of religious toleration, he was the first member of the Financial Committee. Davis is of the opinion that he was probably also the speaker of the Lower House on this occasion.¹² We may imagine the interest that one of his staunch Catholic faith took in the "Act Concerning Religion" at a time when everything boded so ill for his Church and faith. In the Protestant assembly of 1650 he was chairman of a joint committee on "Laws and Orders," composed of several members of both houses.

The assembly of 1650 was controlled by the Puritans, who, apparently in a spirit of religious bias, imposed an oath of secrecy upon its members. For refusing to take the oath Thomas Matthews, the Catholic burgess elected by Saint Inigoes' Hundred, Saint Mary's County, was expelled from the Lower House. Cuthbert Fenwick was then chosen by the same voters to succeed the ejected member. But Fenwick also scented danger in the measure, for he had been a victim of religious intolerance both in England and in Maryland. He saw only too clearly that an assembly sworn to secrecy would be a dangerous weapon in the hands of those whom he had every reason to fear might be disposed to use it against those of his faith. Like Matthews, he refused to take the oath, unless assured that it contained nothing opposed to his religion or his conscience. Though he was told that he would be expelled from his seat, if he did not take the oath of secrecy without limitation or reserve, by tactful prudence and firmness he managed not merely to retain his place, but to elicit from the legislative body a declaration that they had never intended to bind any member in a way that would infringe upon his religion or trespass upon his conscience.¹³ In view of the

¹² DAVIS, *op. cit.*, p. 212. Some writers question Davis' supposition that the assembly sat in two houses before 1650. But BACON (*Laws of Maryland at Large—study on the Assembly of 1649*), BOZMAN (*History of Maryland*, Vol. ii, p. 349), BANCROFT (*History of the United States of America*, Vol. i, p. 169), and other authors of note are of the same opinion as Mr. Davis.

¹³ *Archives of Maryland* (Vol. i), *Proceedings and Acts of the General Assembly*, 1637/38–1664, pp. 237ff and 273ff.

strong Puritan prejudices of the day, this was not only a notable triumph for the clever legislator; it was a victory of importance. As is shown by Maryland's subsequent history, Fenwick understood the trend of the day and set himself to counteract its consequences.

From the time he obtained his freedom, he is styled "Cuthbert Fenwick, Gentleman." Governor Calvert, representing Lord Baltimore, calls him, in official documents, "Our trusty Cuthbert, Gentleman"; or "Our beloved Cuthbert Fenwick, Gentleman." Indeed the title "Gentleman," which in those days had a special significance as implying nobility of birth, is rarely ever omitted from his name in the records of the times.

Few men of his day were the recipients of so many signs of goodwill from his fellow-colonists, or of so many commissions of trust and confidence, as Cuthbert Fenwick. Few were more frequently employed in the service of the province. Time and again was he appointed to positions that demanded good judgment and no little courage.

In 1635 he fought side by side with Thomas Cornwallis, who commanded two armed vessels of the governor, and defeated William Clayborne's pirates under Ratcliff Warren in an engagement on the eastern side of the Chesapeake, not far from the shore of the present Somerset County.¹⁴ In 1638 he was chosen to aid the government in regulating trade with the colony and between the colonists and the Indians. In the fulfilment of this office he obtained information in regard to the murder of Rowland Williams, at Accomac, by the Nanticokes that determined Maryland and Virginia to unite for the punishment of that tribe. Again, he was commissioned, with Capt. John Hollis, to arrest all persons suspected of illicit trading with the red man; and again, in 1644, he was made a member of a council to be consulted by Capt. Henry Fleet, who was sent to conclude a treaty of peace with the Susquehannas and "Patowmecks," or to declare war against them, as circumstances demanded.¹⁵ In 1643 he went to Boston, aboard *The Thomas*, as an officer, to keep order

¹⁴ *Ibid.*, p. 17, and Vol. iv, *Judicial and Testamentary Business of the Provincial Court*, pp. 21-23; BOZMAN, *op. cit.*, Vol. ii, pp. 35, 65-66.

¹⁵ *Archives of Maryland* (Vol. iii), *Proceedings of the Council of Maryland*, 1636-1667, pp. 73, 74, 84, 148-150; DAVIS, *op. cit.*, p. 212.

among the sailors.¹⁶ Likely, indeed, he was the bearer of the historic letter of Governor Calvert to Captain Gibson inviting the settlers of New England persecuted by the Puritans to make their homes in Maryland, where they could enjoy the blessings of religious freedom. In 1644 he was appointed to a commissionership in St. Mary's County, "an office out of which grew that of the early county court judge."¹⁷ In the rebellion (1645) of Richard Ingle and William Clayborne, he remained faithfully at his post of duty, was made prisoner by the adherents of these two evil geniuses of the province, and subjected to many hardships and indignities.¹⁸

Though favor and regard were shown him by the governor, this did not prevent Cuthbert Fenwick from being a champion of the rights and the liberties of the people. More than once we find him a member of a committee, of which he was the chairman, appointed to draw up a list of the grievances of the freemen of the colony or to draft the laws which they wished to have enacted. Of the innumerable juries on which he served, he was almost uniformly the foreman. Again and again his name appears as the executor or administrator of estates; as the appraiser of property; as a delegate to take or pass judgment on an inventory; as an arbitrator of difficulties, either chosen by the court or selected by the parties concerned; as the attorney of people of every station of life to prosecute or to defend their cause before the Assembly.¹⁹

Although the historians of Maryland have done little more for this interesting and deserving personage than to preserve his memory, the colonial records for nearly a score of years are fairly burdened with the repetition of Cuthbert Fenwick's name. With the exception of Thomas Cornwallis, perhaps no other man of the time was more intensely engaged, or took a more prominent part in the affairs of the little colony along the Chesapeake Bay. None manifested a keener interest in its welfare.

¹⁶ *Ibid.* *Archives of Maryland* (Vol. iv), *Judicial and Testamentary Business of the Provincial Court, 1637-1650*, p. 204.

¹⁷ *Ibid.* (Vol. iii), *Proceedings of the Provincial Court, 1636-1667*, pp. 150-151; DAVIS, *op. cit.*, p. 212; BOZMAN, *op. cit.*, p. 280.

¹⁸ *Archives of Maryland*, Vol. iv, as above, *passim*, and Vol. x, as above, pp. 253-254, 371-373; DAVIS, *op. cit.*, p. 210.

¹⁹ *Archives of Maryland*, Vols. i, iv, and x, as above, *passim*.

The chronicles show him to have been a man of wide activities and a leader in all that made for good. His was a record of which Maryland and his numerous descendents may justly be proud.

It was but natural that a man of such splendid capacity and tireless activity should rapidly accumulate a competent fortune, even in a country so new and uncultivated as Maryland then was. Only a few years, in fact, had passed before we find Cuthbert Fenwick one of the largest taxpayers in the colony, indicating that he was one of the largest property holders. His rise was the result, not of fortune or accident, but of character, industry and ability. Strength of purpose and singleness of mind stand out as prominent traits of all his life.

Of Cuthbert Fenwick's educational opportunities nothing is definitely known. Yet, while we find no record positively stating that he was a barrister or legal practitioner, the frequency with which he acted as attorney for the colonists, not only to transact their business but to prosecute or to defend their cause before the court, and the acquaintance which he seems to have had with the nice points and technicalities of law, would indicate that he was a man of culture and possessed of no mean knowledge of jurisprudence, if not a lawyer. For a time he was one of a committee of three appointed to "hear and determine" all causes in the province, whether civil or criminal, "not extending to life or member."²⁰ In his capacity of attorney for Cornwallis he showed his fearless spirit by bringing suit (1644-1645) against Governor Calvert for 100,000 pounds of tobacco, then the legal tender of the country. The case is one of the most interesting and instructive in the early annals of the colony, and shows that Fenwick possessed considerable skill in the management of such proceedings.²¹

But the sturdy pioneer was not merely a leader in civic matters. Staunch and practical in his faith, he was likewise prominent and active in the affairs of his Church. Withal he was humble and unpretentious.

²⁰ *Archives of Maryland* (Vol. iii), *Proceedings of the Provincial Court, 1636-1667*, pp. 150-151.

²¹ *Ibid.* (Vol. iv), *Judicial and Testamentary Business of the Provincial Court*, pp. 292-294.

From the outset, he was a steadfast and special friend and adviser of the Jesuit Fathers, Maryland's earliest missionaries, as whose trusted agent he acted in the management of their temporalities. They placed implicit confidence in his judgment and integrity. Nor did he hesitate to defend them in misunderstandings with such men as John Lewger (Secretary of the Province), Governor Calvert and the lord proprietary. Doubtless it was in this way that were laid the foundations of a lasting and extraordinary friendship towards that distinguished body of ecclesiastics, which may be noticed to this day among Cuthbert Fenwick's descendants in Maryland. Beginning with one of Cuthbert's own sons, it is remarkable how many of them, as a result no doubt of this devotion, have borne the baptismal name of Ignatius, after the sainted founder of that institute, since the days of their forefather who helped to lay the cornerstone of the "Land of Sanctuary."

As has been stated, Fenwick seems to have lived at The Cross, the manorial home of Capt. Thomas Cornwallis, until 1651. But in this year he received from Lord Baltimore a grant of 2,000 acres of land lying on the Patuxent River and adjoining the historic De La Brooke Manor, which belonged to Robert Brooke.²² To this new estate, whither he appears to have moved at once, Fenwick gave the name of Saint Cuthbert's, in honor of his patron saint. Even in his lifetime, however, it was commonly called Fenwick Manor, and was so known for more than a century. Thereafter he devoted his talents largely to the cultivation of his property and to beautifying his home, in which he perhaps hoped that his name might be perpetuated in the New World.

Unfortunately, his days were cut short, when in the prime of life. He was but one or two and forty years of age at the time. As may be seen from his will and that of his wife, he did not live to erect the mansion he proposed to place on Saint Cuthbert's Manor, but died in a house constructed on another part of his plantation lying on a branch of Saint Cuthbert's Creek. The precise time of his death is not known. His will, however, signed March 6, 1655 (Old Style, 1654), and the appointment of

²² The Land Records, Annapolis, Liber A. B. H., p. 158, show that this estate was surveyed for Cuthbert Fenwick, April 24, 1651.

Mrs. Fenwick as administratrix of his estate by the court, April 24, 1655, show that he died between these two dates.²³ The assembly of October and court of December, 1654, by indicating his presence at their transactions, prove that he remained active unto the end. One regrets the loss to the young Catholic colony in being thus deprived of so capable a man in the heyday of his vigorous mentality and at the height of his usefulness.

Cuthbert Fenwick was twice married. Of his first wife, the date of the marriage or that of her death no record has been discovered. But his relations with Cornwallis cause one to fancy that she was a near relation, perhaps a daughter, of that early commissioner and councilor. She left her husband four children—Thomas (doubtless so named after Cornwallis), Cuthbert, Ignatius and Teresa. In 1649 he was again joined in holy wedlock—this time with Mrs. Jane Eltonhead Moryson, widow of Robert Moryson of Kecoughtan (now Hampton), Va.²⁴ The second Mrs. Fenwick was a daughter of Richard Eltonhead of Eltonhead, Lancashire, England, and belonged to a family perhaps not less distinguished than that of Fenwick himself. Her brother, the Hon. William Eltonhead, a member of the Maryland Colonial Council, was put to death by the Puritans in 1655. The fruit of this marriage was three sons—Robert, Richard and John. Cuthbert Fenwick was survived by all his children, except Thomas, whose early death is indicated by the absence of his name from the wills of both his father and his stepmother.

The early Catholic legislator, one cannot but believe, was a devoted husband and a fond father. At the time of his death he possessed some thousands of acres of land, lying along the beautiful Patuxent River and extending, Thomas tells us, from the present Cat Creek to Saint Cuthbert's (now Cuckold) Creek.²⁵ To his wife he bequeathed the land west of Deep

²³ Cuthbert Fenwick's will is in Liber S of the Provincial Court Records, pp. 219-220. (Land Office, Annapolis, Maryland.)

²⁴ Fenwick's marriage contract with the Widow Moryson is in Liber S of the Provincial Court, pp. 218-219, and bears the date of August 1, 1649. (Land Office, Annapolis, Maryland.)

²⁵ THOMAS, *Chronicles of Colonial Maryland* (1913 ed.), p. 360.

Branch at St. Cuthbert's Neck absolutely and plantation during life. The residue of his real estate he willed to be equally divided between his sons, Cuthbert, Ignatius, Robert, Richard and John; except that the eldest, who bore his own Christian name, and who was "to be the Lord of the Manor" and to have Saint Cuthbert's proper for his plantation, was to receive an extra one hundred acres. Teresa's portion, as was often the custom with daughters in times past, consisted of personalty. The Church was remembered in the persons of Fathers Starkey and Fitzherbert.

As the children were still minors, Mrs. Fenwick was appointed their guardian. Being a woman of business ability, affairs continued to prosper under her administration. But, unfortunately she did not long survive her husband, a circumstance that seems to have caused the youthful family, thus left without the guidance of her good judgment, considerable inconvenience. This, however, they were able to overcome as they grew in age and experience.

Jane Eltonhead Fenwick's will is dated November 24, 1660, and was probated December 12, 1660. It shows that she divided the land left her by her husband into three parts, called the "home plantation," "Little Fenwick," and "Mousier's Plantation." These she ordered to be equally distributed among her three sons, Robert, Richard and John. To her stepchildren, Cuthbert, Ignatius and Teresa, she gave servants, stock and other personalty. Like her husband, Mrs. Fenwick did not forget the Church in her last will and testament. The document is evidence of the bond of unity and harmony and affection and mutual confidence that existed in the family; for she appointed her stepsons, Cuthbert and Ignatius, on attaining the legal age of one and twenty years, guardians of her own children during their minority.²⁶ It is worthy of note that no little value and interest attach to her will as giving a fair idea of the home comforts, the wardrobe of colonial dames, and the household furnishings among the wealthier of Maryland's early settlers. It throws much light upon an important branch of history, the social and domestic life of the past.

²⁶ Mrs. Fenwick's will is in Will Book No. 1, pp. 114ff. (Land Office, Annapolis.)

The story of Maryland—the most elite of the Anglo-American colonies—is the most glorious of our colonial days, until religious bias and intolerance begin to mar its beauty. Cuthbert Fenwick was a leader in the making of that history. His spirit of honesty and fraternal charity, as his kindly, even disposition and judicial temperament, not only caused him to be trusted and respected by all, but made for the peace, harmony and prosperity of the palatinate. He was a man of the same caliber and spirit as the first two Lords Baltimore, Leonard Calvert, Thomas Cornwallis and other champions of religious toleration. A steadfast and practical Catholic, he stood boldly for his faith and in defense of liberty of conscience. His actions were ever characterized by good judgment, and a sane, independent conservatism. Always the gentleman, courteous of manner and generous of heart, Fenwick must have been as a ray of sunshine for the pioneer settlers in their hard lives amid the gloomy forests of Maryland.

Robert Fenwick, Cuthbert's eldest son by his second marriage, is said to have died young. And as from 1663, when he had not yet attained his majority, we find no further mention in the colonial registers of Ignatius, born of the first marriage, it would seem that he also died early and without issue. Of Teresa, the only daughter, there is no trace after the death of her step-mother. John, the youngest of the family, appears to have left no descendants. Cuthbert and Richard are soon seen rising in the esteem of the colony and receiving appointments as Justices of the Peace, an important position in the early days. The former, however, drops from the records in 1676, which is supposed to be the year of his death. He is said to have left one child, a daughter, who married but had no issue.

Thus, it would appear, all the Fenwicks of the Catholic line of Maryland came from Richard, the early legislator's second son by Jane Eltonhead. Yet it was a prolific race, and increased rapidly. But anti-Catholic prejudice had now gained the upper hand in the colony. All enjoyed toleration, except those of the faith of the first two lords proprietary who had established the palatinate as a home for religious liberty. Catholics, sad to say, could no longer hope for preference or to hold positions of profit, honor or trust. This was forbidden by law. From 1689, the year

of the "Protestant Revolution," therefore, until the struggle for independence, we find no record of the Fenwicks taking part in affairs of state. They continued, however, generally to prosper, even under the drastic restrictions placed upon the adherents of their religion, to stand high in the community, and to exert a wholesome influence for the good of the province.

It took the American Revolution of 1774-1783 to tear down the barriers of intolerance against the Catholics in a colony that had been established by Catholics as an asylum for religious toleration. From that time we see the descendants of the sturdy pioneer lawmaker, together with their co-religionists, coming again into their rights. When the Anglo-American colonies formed their union to resist the unjust encroachments of the mother-country, the Fenwicks rallied gallantly to the standard of freedom and independence. Foremost among them was Col. Ignatius Fenwick, father of the future Dominican priest and bishop of Cincinnati, Ohio.²⁷

The good that is in parents is said to pass from generation to generation. Thus Maryland's pioneer Catholic legislator, Cuthbert Fenwick, seems to have transmitted his sturdy character to his posterity. To this day it continues to be a trait among his descendants. They have been important *personae* (despite political disabilities) in the drama of Colonial Maryland and in the later history of the State. They have been almost uniformly true to the religion of their original progenitor. As many of them intermarried with the leading families of their own faith, his blood runs in the veins of the best Catholic circles of what was once Lord Baltimore's palatinate. Some of them, it is true, have occasionally joined lives with those not of the Church. But their fidelity was such that, if they did not make converts of those with whom they were united in wedlock, their children were, as a rule, brought up to be steadfast in their adherence to the Church of Rome. Although few patronymics are more common in Maryland, rarely does one meet with a Fenwick who does not profess fidelity to Christ's Vicar on earth. As a noted Protestant author expresses it, "Through evil, and through good, after the lapse of many years, in the midst of vast social

²⁷ *Archives of Maryland* (Vol. xviii), *Muster Rolls*, *passim*, give the names of a number of Fenwicks who served in the Revolutionary War.

and political revolutions, they have clung with the fondness of children to the faith of their first forefather.”²⁸ Nor is this true only of those who remained in the place of their origin. It is perhaps equally true of those descended from the same line in Kentucky, Missouri, and other parts of the South and West.

Like their first American forebear again, everywhere have they been conspicuous for their civic virtues. Everywhere, in wealth or in poverty, in fortune good or ill, they have stood high in the localities in which they lived. Without fear of contradiction may it be said that few other Maryland families have so faithfully maintained the best traditions of their colonial sires. From the beginning of the stormy days that led to the American Revolution to the present time, many have been the responsible positions, civil, military and political, filled with credit by descendants of Cuthbert Fenwick. So also have they been among our most highly honored and deeply respected Catholic clergy and hierarchy. Not a few have entered various sisterhoods in different parts of the country. No doubt the blood and character inherited from the pioneer Catholic legislator, together with the careful religious training so uniformly given their children by parents of this stock, had their share in the formation and development of these vocations.

Two of the Catholic pioneer's descendants, Right Rev. Edward D. Fenwick, O.P., and Right Rev. Benedict J. Fenwick, S.J., were respectively the first Bishop of Cincinnati and the second of Boston. Another, Rev. Enoch Fenwick, S.J., was mentioned for a mitre more than once. Rev. John C. Fenwick was the first English-speaking American to enter the Order of Saint Dominic, Rev. George Fenwick, S.J., was a distinguished educator. The last of the name to be raised to the priesthood is Rev. Francis L. Fenwick, S.J., ordained the past year. Three other clergymen whom we recall, of a different patronymic, but descended from the early law-giver, were Revs. Nicholas D. Young, O.P., Nicholas R. Young, O.P., and Benjamin Young, S.J. Time and space do not permit us to attempt an enumeration of those of his posterity who have attained distinction in the civil life.

²⁸ DAVIS, *op. cit.*, p. 208.

Cuthbert Fenwick, though of a noble family, needed no blazonry of rank or factitious honor of ancestry to give him a standing and influence in the colony which he helped to plant. His own sterling qualities and unselfish devotion to the public welfare made him a power for good, as well as brought him the regard that he richly deserved. A man whose presence would be desirable in any community, he was all-important in an enterprise like that of Lord Baltimore. No doubt, like every good man, he left his impress upon the colony, and the character which it continued to maintain, in spite of revolution and intolerance, was in no small measure due to his influence.

V. F. O'DANIEL, O.P., S.T.M.,
Catholic University of America,
Washington, D. C.